

## **Credit for Military Service Under the Railroad Retirement Act**

Many railroad employees have at some time served in the Armed Forces of the United States. Under certain conditions, their military service may be credited as rail service under the Railroad Retirement Act.

The following questions and answers provide information on how military service may be credited towards railroad retirement benefits.

### **1. Under what conditions can military service be credited as railroad service?**

The intent behind the crediting of military service under the Railroad Retirement Act is to prevent career railroad employees from losing retirement credits while performing active military service during a war or national emergency period. Therefore, to be creditable as railroad service under the Railroad Retirement Act, active service in the U.S. Armed Forces must be preceded by railroad service in the same or preceding calendar year. With the exceptions noted later, the employee must also have entered military service when the United States was at war or in a state of national emergency or have served in the Armed Forces involuntarily.

Only *active* military service is creditable under the Railroad Retirement Act. A person is considered to have performed active service if he or she was commissioned or enrolled in the active service of the Armed Forces of the United States (including personnel of the U.S. Coast Guard); or commissioned or enrolled in any reserve component of such forces which was ordered to active duty.

### **2. What would be considered active duty for a member of a reserve component, such as the Army Reserve?**

Annual training duty performed for a period of at least 2 weeks (usually 15 days or more) as a member of a reserve component of a uniformed service is considered active duty and may be

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creditable, provided the employee service requirement is met. The period of active reserve duty for training also includes authorized travel to and from any such training duty. Weekend alone or evening reserve duty is not creditable.

However, active duty in a State National Guard or State Air National Guard unit may be creditable *only* if the unit was called to active duty by the Congress or President of the United States. Emergency call-up of the National Guard by a governor for riot or flood control would not be creditable.

### **3. What are the dates of the war or national emergency periods?**

The creditable periods that affect current retirements are:

- September 8, 1939, through June 14, 1948.
- December 16, 1950, through September 14, 1978.
- August 2, 1990, to date as yet undetermined.

If military service began during a war or national emergency period, any active duty service the employee was required to continue in beyond the end of the war or national emergency is creditable, except that voluntary service extending beyond September 14, 1978, is not creditable.

Also, an employee who voluntarily entered military service from January 1, 1947, through June 14, 1948, can only receive credit for such military service through June 14, 1948. However, such railroad workers, as well as railroad workers who voluntarily served in the Armed Forces between June 15, 1948, and December 15, 1950, when there was not a national state of emergency in force, can be given railroad retirement credit for their military service if they performed railroad service in the year they entered or the year before they entered military service, *and* if they returned to rail service in the year their military service ended or in the following year, and had no intervening nonrailroad employment.

### **4. How can military service be used to increase benefits paid by the Railroad Retirement Board?**

Railroad retirement annuities are based on length of service and earnings. If military service is creditable as railroad service, a person will receive additional earnings credits for each month of creditable military service and railroad service credit for each month during the active military service period not already credited by actual railroad service.

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Creditable military service may be used in addition to regular railroad service to meet certain service requirements, such as the basic 10-year service requirement for a regular annuity, the 20-year requirement for an occupational disability annuity before age 60, the 25-year requirement for a supplemental annuity, or the 30-year requirement for early retirement benefits.

**5. Can United States Merchant Marine service be creditable for railroad retirement purposes?**

No. Service with the Merchant marine or civilian employment with the Department of Defense is not creditable, even if performed in wartime.

**6. Are railroad retirement annuities based in part on military service credits reduced if other benefits, such as military service pensions or payments from the Department of Veterans Affairs, are also payable on the basis of the same military service?**

No. While railroad retirement employee annuities are subject to reductions for dual entitlement to social security benefits and, under certain conditions, Federal, State, or local government pensions, as well as certain other payments, railroad retirement employee annuities are exempt from reduction for military service pensions or payments by the Department of Veterans Affairs, regardless of whether military service was used in computing the annuity.

**7. Are the unemployment and sickness benefits payable by the Railroad Retirement Board affected if an employee is also receiving a military service pension?**

Yes. The unemployment and sickness benefits payable by the Board are affected if a claimant is also receiving a military service pension. However, payments made by the Department of Veterans Affairs will not affect railroad unemployment or sickness benefits.

When a claimant is receiving a military service pension or benefits under any social insurance law for days in which he or she is entitled to benefits under the Railroad Unemployment Insurance Act, railroad unemployment or sickness benefits are payable only to the extent to which they exceed the other payments for those days. In many cases, the amount of a military service pension precludes the payment of unemployment or sickness benefits by the Board. Examples of other such social insurance payments are civil service pensions, firefighters' and police pensions, and workers' compensation payments. Claimants should report all such payments promptly to avoid having to refund benefits later.

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**8. How can an employee get more information about the crediting of military service by the Railroad Retirement Board?**

For more information, an employee should contact the nearest office of the Railroad Retirement Board. Most Board offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday.

Employees can find the address and phone number of the Board office serving their area by calling the automated toll-free RRB Help Line at 1-800-808-0772. They can also get this information from the Board's Web site at [www.rrb.gov](http://www.rrb.gov).

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